

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 4081 District Courts Of Appeal

**SPONSOR(S):** Weinstein

**TIED BILLS:** None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	14 Y, 0 N	Cary	Bond
2) Judiciary Committee	15 Y, 0 N	Cary	Havlicak

### SUMMARY ANALYSIS

When the Legislature created the chapter of the Florida Statutes respecting the District Courts of Appeal and substantially amended the chapter respecting the Supreme Court in 1957, it included a section in each providing that the salary of the judges of the district courts of appeal shall be as provided by law. The Supreme Court provision was repealed as obsolete in 1972, but the District Courts of Appeal provision remains.

This bill repeals the statutory provision providing that the salary of the judges of the District Courts of Appeal shall be provided by law.

This bill does not appear to have a fiscal impact on state or local government.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

Section 35.19, F.S., simply states, "The salary of the judges of the district courts of appeal shall be as provided by law." This section was created in 1957 as part of the original bill creating Chapter 35 of the Florida Statutes, respecting the District Courts of Appeal (DCA).<sup>1</sup> That same year, the Legislature passed a similar provision respecting the salary of the justices of the Supreme Court<sup>2</sup>, but that section was repealed as obsolete in 1972.<sup>3</sup> It is unclear why s. 35.19, F.S. was not repealed in the same bill.

The salaries of DCA judges are annually published in Section 8 of the General Appropriations Act.<sup>4</sup>

This bill repeals s. 35.19, F.S.

#### B. SECTION DIRECTORY:

Section 1 repeals s. 35.19, F.S., relating to compensation of district court of appeal judges.

Section 2 provides an effective date of July 1, 2012.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

The bill does not appear to have any impact on state revenues.

##### 2. Expenditures:

The bill does not appear to have any impact on state expenditures.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

The bill does not appear to have any impact on local government revenues.

##### 2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

#### D. FISCAL COMMENTS:

None.

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<sup>1</sup> L.O.F. 57-248.

<sup>2</sup> L.O.F. 57-274.

<sup>3</sup> L.O.F. 72-440.

<sup>4</sup> See e.g., s. 8, L.O.F. 2011-69.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

The bill does not appear to create a need for rulemaking or rulemaking authority.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.